

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRENESHA BIGGERS,

Plaintiff,

-against-

THE STATE OF TEXAS, et al.,

Defendants.

22-CV-8648 (LTS)

ORDER OF DISMISSAL AS TO
PLAINTIFFS M.F. AND Z.S.

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Trenesha Biggers initiated this action on behalf of herself and her minor children, M.F. and Z.S. By order dated October 10, 2023, the Court dismissed Biggers' second amended complaint for failure to state a claim. (ECF 23). Plaintiff appealed the dismissal to the United States Court of Appeals for the Second Circuit, and on April 19, 2024, the Court of Appeals dismissed the appeal but remanded the case to this Court to dismiss any claims brought on behalf of M.F. and Z.S. without prejudice. Accordingly, any claims brought on behalf of M.F. and Z.S. are dismissed without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to issue a modified judgment to include the dismissal of any claims brought on behalf of M.F. and Z.S. as dismissed without prejudice.

SO ORDERED.

Dated: April 26, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge